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FACSIMILE COVER SHEET

TO: Examiner Brent Swarthout - United States Patent and Trademark Office; Art Unit - 2636

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FROM: Paul J. Ditmyer, Esq.

DATE: August 14, 2006

NUMBER OF PAGES (INCLUDING COVER SHEET): 26

COMMENTS/INSTRUCTIONS:

Please see attached Appeal Brief for U.S. Patent Application Serial No. 10/626,969.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

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In re Patent Application of:)	
FLICK)	Examiner: B. SWARTHOUT
)	
Serial No. 10/626,969)	Art Unit: 2636
)	
Filing Date: JULY 25, 2003)	Attorney Docket No. 58177
)	
Confirmation No. 3941)	
)	
For: VEHICLE SECURITY SYSTEM)	
INCLUDING PRE-WARNING FEATURES))	
FOR A VEHICLE HAVING A DATA)	
COMMUNICATIONS BUS AND RELATED))	
<u>METHODS</u>)	

APPELLANT'S APPEAL BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief together with the requisite \$250.00 small entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. 01-0484.

(1) Real Party in Interest

The real party in interest is Omega Patents, L.L.C., assignee of the present application as recorded at reel 014346, frame 0882.

(2) Related Appeals and Interferences

At present there are no related appeals or interferences.

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(3) Status of the Claims

Claims 1-40 are pending in the application, and the rejection of Claims 1-8 and 12-40 is being appealed herein.

(4) Status of the Amendments

All amendments have been entered and there are no further pending amendments. A copy of the claims involved in this appeal is attached hereto as Appendix A.

(5) Summary of the Claimed Subject Matter

In general, the invention is directed to a vehicle security system and method for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle and connected to a plurality of vehicle devices. For example, the vehicle devices may include the door lock motors, trunk release, and/or the engine starter. As an example, the security sensor may include one or more motion sensors and/or shock sensors. The data communications bus carries data and address information thereover. The claimed invention will be summarized while referring to FIGs. 10 and 11 (reproduced below), for example, and the detailed description at page 19, line 1 through page 22, line 2 (paragraph Nos. [0053]-[0059]).

Independent Claim 1, for example, is directed to a vehicle security system 200 for a vehicle of a type comprising a vehicle data communications bus 201 extending throughout the

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vehicle and connected to a plurality of vehicle devices 202. The data communications bus 201 carries data and address information thereover. The vehicle security system 200 includes a vehicle security sensor 203 interfacing with the vehicle data communications bus for generating a pre-warning signal or an alarm signal depending upon a sensed threat level.

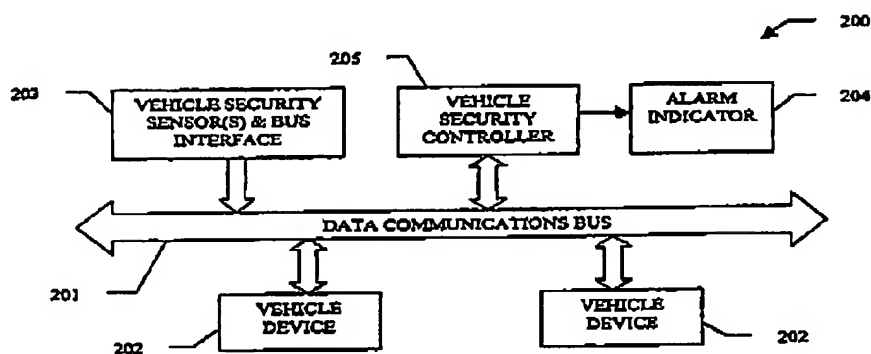


FIG. 10

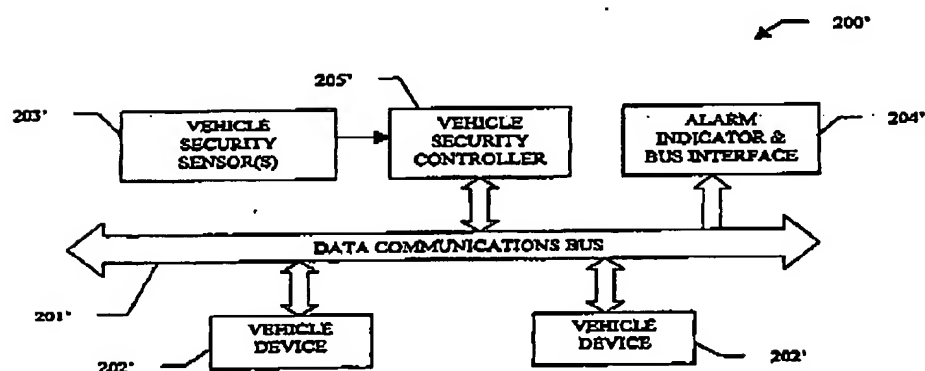


FIG. 11

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The vehicle security system further includes an alarm indicator 204, and a vehicle security controller 205 interfacing with the vehicle data communications bus for causing the alarm indicator to generate a pre-warning indication based upon the pre-warning signal, or for causing the alarm indicator to generate an alarm indication based upon the alarm signal. Independent Claim 30 is a method counterpart to Claim 1 and includes similar recitations.

Independent Claim 12 is directed to a vehicle security system 200' for a vehicle of a type comprising a vehicle data communications bus 201' extending throughout the vehicle, the data communications bus carrying data and address information thereover, and connected to a plurality of vehicle devices 202'. The system comprises a vehicle security sensor 203' for generating a pre-warning signal or an alarm signal depending upon a sensed threat level, and an alarm indicator 204' interfacing with the vehicle data communications bus. A vehicle security controller 205' is connected to the vehicle security sensor and interfaces with the vehicle data communications bus for causing the alarm indicator to generate a pre-warning indication based upon the pre-warning signal, or for causing the alarm indicator to generate an alarm indication based upon the alarm signal. Independent Claim 37 is method counterpart to Claim 12 and includes similar recitations.

Independent Claim 20 is directed to a vehicle security device 203 for use with a vehicle of a type comprising a vehicle data communications bus 201 extending throughout the vehicle, the

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data communications bus carrying data and address information thereover. The vehicle security device 203 comprises a sensor for generating a pre-warning signal or an alarm signal depending upon a sensed threat level and a security sensor bus interface for interfacing the sensor with the vehicle data communications bus.

Independent Claim 25 is also directed to a vehicle security device 204' for a vehicle of a type comprising a vehicle data communications bus 201' extending throughout the vehicle. The vehicle security device 204' comprises an alarm indicator and associated alarm indicator data bus interface for interfacing the alarm indicator with the vehicle data communications bus extending throughout the vehicle and carrying data and address information.

Independent Claim 30 is directed to a vehicle security method for a vehicle of a type comprising a vehicle data communications bus 201 extending throughout the vehicle, the data communications bus carrying data and address information thereover, and an alarm indicator 204. The method includes - interfacing at least one vehicle security sensor 203 with the vehicle data communications bus 201 extending throughout the vehicle and carrying data and address information, the at least one vehicle security sensor 203 for generating a pre-warning signal or an alarm signal depending upon a sensed threat level. The alarm indicator 204 is caused to generate a pre-warning

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indication based upon the pre-warning signal, or caused to generate an alarm indication based upon the alarm signal.

Independent Claim 37 is directed to a vehicle security method for a vehicle of a type comprising a vehicle data communications bus 201' extending throughout the vehicle, the data communications bus carrying data and address information thereover. The method includes interfacing an alarm indicator 204' with the vehicle data communications bus 201' extending throughout the vehicle and carrying data and address information. The alarm indicator 204' is caused to generate a pre-warning indication based upon a pre-warning signal on the vehicle data communications bus 201' extending throughout the vehicle and carrying data and address information, and the alarm indicator is caused to generate an alarm indication based upon an alarm signal on the vehicle data communications bus extending throughout the vehicle and carrying data and address information.

(6) Grounds of Rejection to be Reviewed On Appeal

Claims 1-3, 6, 8, 12-14, 17, 19-23, 25, 28-32, 35, 37 and 40 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Suman et al. (U.S. Patent No. 5,469,298) or in view of Nykerk (U.S. Patent No. 5,315,285), and further in view of Boreham et al. (U.S. Patent No. 6,005,478).

Claims 4, 15, 26, 33 and 38 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Suman et al. (U.S. Patent No. 5,469,298) or in view of Nykerk

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(U.S. Patent No. 5,315,285), and further in view of Boreham et al. (U.S. Patent No. 6,005,478) and Hwang (U.S. Patent No. 5,084,697).

Claims 5, 7, 16, 18, 24, 27, 34, 36 and 39 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Suman et al. (U.S. Patent No. 5,469,298), or in view of Nykerk (U.S. Patent No. 5,315,285), and further in view of Boreham et al. (U.S. Patent No. 6,005,478) and Issa et al. (U.S. Patent No. 5,990,786).

(7) Argument

A. Claims 1-3, 6, 8, 12-14, 17, 19-23, 25, 28-32, 35, 37 and 40 are patentable under 35 U.S.C. §103 over Hwang '407 in view of Suman et al. or in view of Nykerk, and further in view of Boreham et al.

The Examiner rejected independent Claims 1, 12, 20, 25, 30 and 37 over the combination of Hwang and Suman et al. or Nykerk, and further in view of Boreham et al. On page 2 of the Final Office Action, the Examiner relies upon the Suman et al. patent as allegedly teaching the use of a data communications bus 111 extending throughout the vehicle, as the data bus communicates between a plural of vehicle systems 101-110 and a controller 77. However, the data bus connects to the inputs 101-110 and microcontroller 77 (via interface circuit 100 and wiring harness 73a) on a driver circuit 75, the driver circuit is confined within a housing 63 attached to the vehicle roof 61 (See

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FIG. 6A, 6B; Col. 4, lines 21-23 and 52-54). Thus, the data bus does not extend throughout the vehicle and carry data and address information, as recited in the claimed invention.

Also on page 3 of the Final Action, the Examiner similarly relies upon Nykerk as also allegedly disclosing a data communications bus extending throughout the vehicle, in teaching a vehicle processor and alarm system communicating over the data bus 64. However, the data bus 64 of Nykerk is actually disclosed within a self-contained alarm system 55, containing the vehicle processor 60 (See FIG. 4; Col. 9, lines 59-63). Again, the data bus 64 does not extend throughout the vehicle and carry data and address information. Thus, Suman et al. and Nykerk specifically teach away from the use of a data communications bus extending throughout the vehicle and carrying data and address information.

Accordingly, for this reason alone, the Examiner's hypothetical combination cannot meet the features of the claimed invention, and the rejections based thereon are improper.

As discussed in the background section of the present application, the majority of conventional vehicle security systems need to be directly connected by wires to individual vehicle devices, such as the vehicle horn or door switches of the vehicle. In other words, a conventional vehicle security system is hardwired to various vehicle components, typically by splicing into vehicle wiring harnesses or via interposing T-harnesses and connectors. Implementing multiplexing concepts in vehicles in a cost-effective and reliable manner may not be easy. Successful

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implementation, for example, may require the development of low or error-free communications in what can be harsh vehicle environments. With multiplexing technology, the various electronic modules or devices may be linked by a single signal wire in a bus also containing a power wire, and one or more ground wires. Digital messages are communicated to all modules over the data communications bus. Each message may have one or more addresses associated with it so that the devices can recognize which messages to ignore and which messages to respond to or read.

The Examiner relied upon the Boreham et al. reference for the teaching of addressing over a data bus to control the volume of the siren.

The Examiner then asserts on page 3 of the Final Office Action that it would have been obvious to connect a prealarm warning as disclosed in Hwang over a data bus as in Nykerk or Suman et al., and to further use addressing over such data bus as in Boreham et al. to meet the features of the claimed invention. As submitted in Appellant's prior Response, there is no motivation to selectively discard the hardwire connections of Hwang and replace them with a confined data bus as suggested by Nykerk or Suman et al. In particular, the multiple-parallel line structure of the Suman et al. device is at most structurally equivalent to the hardwire connection structure of Hwang, and thus one of skill in the art would be discouraged from making the suggested Hwang/Suman et al. combination. Moreover, as discussed

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above, Nykerk expressly teaches a confined data bus within an alarm, and thus one of ordinary skill in the art would be taught away from using such a confined data bus to replace the Hwang hardwire connections, particularly those connections external to the alarm.

Accordingly, Appellant recognizes that by selectively assembling disjoint bits and pieces of the prior art -- in this instance with two different three-way combinations -- the Examiner can attempt to piece together the recited elements of the claimed invention. The primary reference, Hwang, discloses hardwired connections. Hwang is then selectively modified to throw out the hardwired connections and replace those with a confined data bus based upon Suman et al. or Nykerk, despite the fact that each data bus would fail to encompass such hardwire connections. One of ordinary skill in the art is still not yet done, now the artisan must modify the modified multi-wire confined data bus of Hwang, Suman et al. and Nykerk to include addressing based upon the teachings of Boreham et al.

As the Examiner is aware, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim features. The initial burden is on the Examiner to provide some

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suggestion of the desirability of doing what the Applicants have done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in Applicant's disclosure.

There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. It is respectfully submitted that the Examiner's motivation for the selective combination of references impermissibly comes from Appellant's own specification, rather than from some proper teaching in the prior art. Accordingly, for at least the reasons given above, Appellant maintains that the cited references do not disclose or fairly suggest the invention as set forth in independent Claims 1, 12, 20, 25, 30 and 37. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejection under 35 U.S.C. §103(a) should be withdrawn.

The respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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B. Claims 4, 15, 26, 33 and 38 are patentable under 35 U.S.C. §103 over Hwang in view of Suman et al. or in view of Nykerk, and further in view of Boreham et al. and Hwang

The Examiner relied upon the Hwang '697 patent for the teaching of a shorter prewarn alert. Without discussing the details of the Hwang '697 reference or the propriety of the Examiner's reliance upon yet another piece of another reference, it is sufficient to note that the Hwang '697 reference also does not teach the use of a vehicle security system for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle and carrying data and address information thereover, as claimed. Accordingly, for at least the reasons set forth above with respect to the independent claims, Appellant maintains that the hypothetical combination of cited references does not disclose or fairly suggest the invention as set forth in dependent Claims 4, 15, 26, 33 and 38.

C. Claims 5, 7, 16, 18, 24, 27, 34, 36 and 39 are patentable under 35 U.S.C. §103 over Hwang in view of Suman et al., or in view of Nykerk, and further in view of Boreham et al. and Issa et al.

The Examiner relied upon the Issa et al. patent for the teaching of a lower volume prewarn alert and a two-zone shock sensor. Again, without discussing the details of the Issa et al. reference or the propriety of the Examiner's reliance upon yet another piece of another reference, it is sufficient to note that the Issa et al. reference also does not teach the use of a

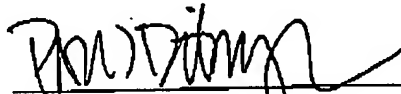
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vehicle security system for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle and carrying data and address information thereover, as claimed. Accordingly, for at least the reasons set forth above with respect to the independent claims, Appellant maintains that the hypothetical combination of cited references does not disclose or fairly suggest the invention as set forth in dependent Claims 5, 7, 16, 18, 24, 27, 34, 36 and 39.

CONCLUSIONS

In view of the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 14th day of August, 2006.

Sandra Kempf

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APPENDIX A - CLAIMS ON APPEAL
FOR U.S. PATENT APPLICATION SERIAL NO. 10/626,969

1. A vehicle security system for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle and connected to a plurality of vehicle devices, the data communications bus carrying data and address information thereover, the vehicle security system comprising:

at least one vehicle security sensor interfacing with the vehicle data communications bus extending throughout the vehicle and carrying data and address information for generating a pre-warning signal or an alarm signal depending upon a sensed threat level;

an alarm indicator; and

a vehicle security controller interfacing with the vehicle data communications bus extending throughout the vehicle and carrying data and address information for causing said alarm indicator to generate a pre-warning indication based upon the pre-warning signal, or for causing said alarm indicator to generate an alarm indication based upon the alarm signal.

2. The vehicle security system of Claim 1 wherein said at least one vehicle security sensor comprises a multi-stage sensor.

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3. The vehicle security system of Claim 1 wherein said at least one vehicle security sensor comprises a pre-warn sensor for providing the pre-warning signal and an alarm sensor for providing the alarm signal.

4. The vehicle security system of Claim 1 wherein the alarm indication has a greater duration than the pre-warning indication.

5. The vehicle security system of Claim 1 wherein said alarm indicator comprises an audible alarm indicator, and wherein the alarm indication has a greater volume than the pre-warning indication.

6. The vehicle security system of Claim 1 wherein said at least one vehicle security sensor comprises at least one motion sensor.

7. The vehicle security system of Claim 1 wherein said at least one vehicle security sensor comprises a two-zone shock sensor.

8. The vehicle security system of Claim 1 wherein said alarm indicator comprises at least one of a siren, a horn, and a vehicle light.

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9. (Not subject of appeal).

10. (Not subject of appeal).

11. (Not subject of appeal).

12. A vehicle security system for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle, the data communications bus carrying data and address information thereover, and connected to a plurality of vehicle devices, the vehicle security system comprising:

at least one vehicle security sensor for generating a pre-warning signal or an alarm signal depending upon a sensed threat level;

an alarm indicator interfacing with the vehicle data communications bus extending throughout the vehicle and carrying data and address information; and

a vehicle security controller connected to said at least one vehicle security sensor and interfacing with the vehicle data communications bus extending throughout the vehicle and carrying data and address information for causing said alarm indicator to generate a pre-warning indication based upon the pre-warning signal, or for causing said alarm indicator to generate an alarm indication based upon the alarm signal.

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13. The vehicle security system of Claim 12 wherein said at least one vehicle security sensor comprises a multi-stage sensor.

14. The vehicle security system of Claim 12 wherein said at least one vehicle security sensor comprises a pre-warn sensor for providing the pre-warning signal and an alarm sensor for providing the alarm signal.

15. The vehicle security system of Claim 12 wherein the alarm indication has a greater duration than the pre-warning indication.

16. The vehicle security system of Claim 12 wherein said alarm indicator comprises an audible alarm indicator, and wherein the alarm indication has a greater volume than the pre-warning indication.

17. The vehicle security system of Claim 12 wherein said at least one vehicle security sensor comprises at least one motion sensor.

18. The vehicle security system of Claim 12 wherein said at least one vehicle security sensor comprises a two-zone shock sensor.

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19. The vehicle security system of Claim 12 wherein said alarm indicator comprises at least one of a siren, a horn, and a vehicle light.

20. A vehicle security device for use with a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle, the data communications bus carrying data and address information thereover, and comprising:

at least one sensor for generating a pre-warning signal or an alarm signal depending upon a sensed threat level; and

a security sensor bus interface for interfacing said at least one sensor with the vehicle data communications bus extending throughout the vehicle and carrying data and address information.

21. The vehicle security device of Claim 20 further comprising a housing carrying said at least one sensor.

22. The vehicle security device of Claim 20 wherein said at least one sensor comprises a multi-stage sensor.

23. The vehicle security device of Claim 20 wherein said at least one sensor comprises at least one motion sensor.

24. The vehicle security device of Claim 20 wherein said at least one sensor comprises a two-zone shock sensor.

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25. A vehicle security device for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle, the data communications bus carrying data and address information thereover, and comprising:

an alarm indicator and associated alarm indicator data bus interface for interfacing said alarm indicator with the vehicle data communications bus extending throughout the vehicle and carrying data and address information;

said alarm indicator for generating a pre-warning indication responsive to a pre-warning signal on the vehicle data communications bus extending throughout the vehicle, and for generating an alarm indication based upon an alarm signal on the vehicle data communications bus extending throughout the vehicle and carrying data and address information.

26. The vehicle security device of Claim 25 wherein the alarm indication has a greater duration than the pre-warning indication.

27. The vehicle security device of Claim 25 wherein said alarm indicator comprises an audible alarm indicator, and wherein the alarm indication has a greater volume than the pre-warning indication.

28. The vehicle security device of Claim 25 wherein said alarm indicator comprises a siren.

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29. The vehicle security device of Claim 25 further comprising a housing carrying said alarm indicator and said alarm indicator data bus interface.

30. A vehicle security method for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle, the data communications bus carrying data and address information thereover, and an alarm indicator, the method comprising:

interfacing at least one vehicle security sensor with the vehicle data communications bus extending throughout the vehicle and carrying data and address information, the at least one vehicle security sensor for generating a pre-warning signal or an alarm signal depending upon a sensed threat level; and

causing the alarm indicator to generate a pre-warning indication based upon the pre-warning signal, or causing the alarm indicator to generate an alarm indication based upon the alarm signal.

31. The method of Claim 30 wherein the at least one vehicle security sensor comprises a housing and a multi-stage sensor carried by the housing.

32. The method of Claim 30 wherein the at least one vehicle security sensor comprises a pre-warn sensor for providing

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the pre-warning signal and an alarm sensor for providing the alarm signal.

33. The method of Claim 30 wherein the alarm indication has a greater duration than the pre-warning indication.

34. The method of Claim 30 wherein the alarm indicator comprises an audible alarm indicator, and wherein the alarm indication has a greater volume than the pre-warning indication.

35. The method of Claim 30 wherein the at least one vehicle security sensor comprises at least one motion sensor.

36. The method of Claim 30 wherein the at least motion sensor comprises a two-zone shock sensor.

37. A vehicle security method for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle, the data communications bus carrying data and address information thereover, the method comprising:

interfacing an alarm indicator with the vehicle data communications bus extending throughout the vehicle and carrying data and address information; and

causing the alarm indicator to generate a pre-warning indication based upon a pre-warning signal on the vehicle data

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communications bus extending throughout the vehicle and carrying data and address information, and causing the alarm indicator to generate an alarm indication based upon an alarm signal on the vehicle data communications bus extending throughout the vehicle and carrying data and address information.

38. The method of Claim 37 wherein the alarm indication has a greater duration than the pre-warning indication.

39. The method of Claim 37 wherein the alarm indicator comprises an audible alarm indicator, and wherein the alarm indication has a greater volume than the pre-warning indication.

40. The method of Claim 37 wherein the alarm indicator comprises at least one of a siren and a horn.

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APPENDIX B - EVIDENCE APPENDIX
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(ix)

None.

APPENDIX C - RELATED PROCEEDINGS APPENDIX
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(x)

None.